

Message

**From:** Cohon, Keith [Cohon.Keith@epa.gov]  
**Sent:** 8/7/2013 9:26:29 PM  
**To:** Weber, Courtney [Weber.Courtney@epa.gov]; Gable, Kelly [Gable.Kelly@epa.gov]; Ryan, Mark [Ryan.Mark@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Hilsman, Deborah [Hilsman.Deborah@epa.gov]; Owens, Kim [Owens.Kim@epa.gov]; Bellovary, Chris [Bellovary.Chris@epa.gov]  
**Subject:** RE: NPDES jurisdiction

It sounds to me like

**Ex. 5 AC/DP**

**Ex. 5 AC/DP**

Here's what seems to me to be the right analysis:

**Ex. 5 AC/DP**

Keith

**From:** Weber, Courtney  
**Sent:** Wednesday, August 07, 2013 1:38 PM  
**To:** Gable, Kelly; Ryan, Mark; Steiner-Riley, Cara; Szalay, Endre; Hilsman, Deborah; Owens, Kim; Cohon, Keith; Bellovary, Chris  
**Subject:** RE: NPDES jurisdiction

I was the lucky one who got the call from DOJ about the 60-day notice. The discharges cover various spills from oil and water separators, etc. – not water passing through the dam – all were discharges that were intermittent and accidental. At some point, the Corps submitted a NPDES application to us for the Dalles Dam (discharges into WA waters since WA doesn't have federal facility authority) and we deemed the application complete. One question DOJ posed is

**Ex. 5 AC/DP**

The Oregon permit is for the wastewater treatment facility at the dam (I believe) and I think there was another permit for one of the powerhouses (can't remember if that was our permit or if it was a ODEQ permit).

**From:** Gable, Kelly  
**Sent:** Wednesday, August 07, 2013 12:38 PM  
**To:** Ryan, Mark; Steiner-Riley, Cara; Szalay, Endre; Hilsman, Deborah; Owens, Kim; Weber, Courtney; Cohon, Keith; Bellovary, Chris  
**Subject:** RE: NPDES jurisdiction

Oooh, good question!

**Ex. 5 AC/DP**

**Ex. 5 AC/DP**

**Ex. 5 AC/DP** For example, take Bonneville – it looks like Oregon may have issued the permit (see <http://www.deq.state.or.us/nwr/permits/BonnevilleTannerCreek-P-WQ.pdf>), and that the Portland Division of the Corps owns the facility (see <http://www.cbr.washington.edu/hydro/bonneville>). I would have thought

**Ex. 5 AC/DP**

**Ex. 5 AC/DP** but this page <http://www.ecy.wa.gov/programs/wq/ferc/index.html> doesn't list Bonneville or any of those listed in the article below.

This is just my quick thoughts, though, maybe not on point at all. I'd love to hear how this shakes out.

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**From:** Ryan, Mark  
**Sent:** Wednesday, August 07, 2013 3:04 PM  
**To:** Steiner-Riley, Cara; Szalay, Endre; Hilsman, Deborah; Owens, Kim; Weber, Courtney; Cohon, Keith; Gable, Kelly; Bellovary, Chris  
**Subject:** NPDES jurisdiction

Anyone know what state (or EPA) would issue an NPDES permit to a dam that straddles the state line between Oregon and Washington? The enviros are suing the Corps for discharging without a permit from the Columbia River dams. The dams are in two states. I've never seen this issue before. Thanks.

-Mark

Water Pollution  
Conservation Group Sues Corps Alleging  
Water Act Violations at Columbia River Dams

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By Paul Shukovsky  
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Mark Ryan  
Asssistant Regional Counsel  
U.S. EPA Region 10  
950 W. Bannock Street, Suite 900  
Boise, Idaho 83702  
(208) 378-5768